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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 144th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 April 1993, at 3 p.m.

Chairman: Mr. VOYAME

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.144/Add.1, and that of the third part (public) of the meeting as document CAT/C/SR.144/Add.2.

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

First supplementary report of Sweden (continued) (CAT/C/17/Add.9)

1. At the invitation of the Chairman, Mr. Lindholm and Ms. Fridström (Sweden) took seats at the Committee table.

2. The CHAIRMAN invited the delegation of Sweden to reply to questions which had been raised by members of the Committee.

3. Ms. FRIDSTRÖM (Sweden) commented first on the issue of private prosecutions. Chapter 47 of the Swedish Code of Judicial Procedure contained provisions concerning the initiation of private prosecutions and the main hearing of private complaints. In most cases of serious assault, the alleged victim was not entitled to initiate a prosecution on his own unless the prosecutor had decided not to prosecute. In cases in which the prosecutor had decided not to prosecute, an injured party who desired to institute prosecution could file with the district court a written application for a summons against the persons to be charged. If the application was not dismissed, the court would issue a summons calling upon the defendant to answer. The court would then commence preparation of the case which, as a rule, would be of an oral nature. The main hearing in private prosecutions followed the lines of similar hearings in cases involving public prosecutions, but there were some divergences; for instance, the case would be dismissed if both parties failed to appear. After the main hearing there would be a verdict, just as in ordinary cases.

4. In reply to the question relating to paragraphs 14 and 87 of the initial report, special disciplinary boards examined questions of disciplinary liability in certain spheres; they existed for public health service personnel and police officers, as well as for prosecutors and judges. Individuals who had a complaint against a public official could in certain cases apply directly to the body responsible for examining disciplinary matters. Such complaints might lead to dismissal of the official concerned.

5. In connection with the question relating to paragraph 82, one example would be that close colleagues of a police officer charged would not be permitted to investigate the matter; police officers from another district would be chosen by the prosecutor for that purpose.

6. Concerning paragraph 83, under to the Swedish system a judge might be dismissed from office like any other official. In the event of an offence by a judge of a lower court the case, under chapter II, section 2, of the Code of Judicial Procedure, would be handled by the Court of Appeal. An offence by a cabinet minister, a judge of the Supreme Court, a judge of the Court of Appeal, a parliamentary ombudsman, the Chancellor of Justice or the Chief State Prosecutor would, according to Chapter III, Section 3, be handled by the Supreme Court.

7. The answer to the questions relating to paragraph 7 was that the maximum penalty of six years' imprisonment for gross misuse of office had nothing to do with the maximum penalty for acts of torture in Sweden. Such acts were likely to be deemed to be aggravated assault, the maximum penalty for which was 10 years, regardless of whether the act had been committed by an official or some other person. As Mr. Burns had pointed out, an act of torture that had led to the victim's death might be considered to be murder, with a life sentence as the maximum penalty.

8. Questions had been asked about detention. There were provisions in the Aliens Act that an alien aged 16 or older might be detained on any of the following grounds. First, if his identity was unclear on arrival in Sweden or when he subsequently applied for a residence permit; second, if detention was necessary so that his right to remain in Sweden could be investigated; and third, if it was possible that the alien would be refused entry or expelled or if the question of enforcing a refusal of entry or expulsion order arose. Such a detention order might only be issued if circumstances gave cause for fear that the alien would conceal himself or engage in criminal activity in Sweden.

9. An alien detained for purposes of investigation might not be detained for more than 48 hours; only in exceptional circumstances could an alien be detained for more than two weeks. If a refusal of entry or expulsion order had been made, an alien might be detained for up to two months, unless there were exceptional grounds for a longer period.

10. According to available statistics, 4,520 alien adults had been detained in 1992; of those, 3,010 had been detained for less than 3 days and 86 per cent of the group had been detained for less than 10 days. Between July and December 1992, 281 children had been detained. In the cases of longer periods of detention, the reason was often uncertain identity.

11. Children who were detained were never taken to a prison, remand centre or police cell. For adults, the relevant provisions of the Act and Ordinance on the treatment of detained and arrested persons also applied to aliens in detention. Detained aliens might be placed in the closed unit of the Carlslund Refugee Centre, which had been visited by the European Committee for the Prevention of Torture in May 1991. The Committee had found conditions there to be excellent.

12. Commenting on the Chairman's question on how to evaluate the risk of torture in other countries to which the alien might be sent after being refused asylum in Sweden, she said that one of the most important considerations was that the authorities handling the case should have a good knowledge of circumstances in various countries. The decision-making bodies on asylum cases, namely, the Swedish Immigration Board and the Aliens Board, were well informed as a result of reports from Sweden's foreign missions, national and international voluntary organizations, and international bodies. The relevant officials were trained on a continuing basis and travelled frequently in order to form their own opinions regarding local circumstances. In January 1993, the Swedish Immigration Board, together with the refugee medical centre, had arranged a training conference for medical staff and officials on the effects of war and torture on individuals.

13. Mr. LINDHOLM (Sweden) said that he would like to answer the question asked about paragraph 15 of his country's supplementary report. As he had mentioned during his introduction, following a government investigation of psychiatric care, proposals had recently been submitted for strengthening government support of rehabilitation for refugees and others with injuries resulting from torture. The report had been presented during the current year but was only available in Swedish so far. Its main proposal was that a Swedish institute against torture and organized violence should be established and that it should engage in research, education and preventive activities. It would be financed by the allotment to it of 1 per cent of Swedish development aid to countries where torture occurred. The report described different methods of torture, the consequences of torture and different methods of treatment. Following study by the relevant authorities, it was expected that a government bill would be presented.

14. He would also like to comment on the suggestion that a separate offence of torture should be introduced in Swedish penal law. As had been indicated in the initial report, the Swedish Constitution prohibited torture and any medical intervention for the purpose of influencing statements. Protection against torture and other cruel and inhuman practices was offered under the Swedish Penal Code, particularly the provisions relating to assault, aggravated assault and unlawful threat and coercion. The Children and Parents Code prohibited corporal punishment or other humiliating treatment of children. Further provisions had been described in paragraphs 37 to 45 of the initial report.

15. The argument that a separate offence of torture would lead to more reliable statistics on torture were certainly true. No statistics were collected in relation to complaints or sentences against police officers or warders accused of ill-treating persons deprived of liberty. Some idea of the number of sentences imposed in such cases might, however, be obtained from opinions expressed by the Personnel Responsibility Committee of the National Police Board to the courts in certain cases. Those comments indicated that in 1990 and 1991 there had been three cases of violence against persons taken to police stations; two cases had involved a policeman and one a warder. All three cases had resulted in convictions for assault.

16. Mr. BEN AMMAR paid tribute to the Government of Sweden for its important contribution to the campaign against torture worldwide and to the cause of human rights as a whole; the linkage of economic cooperation with respect for human rights was of particular interest.

17. The CHAIRMAN thanked the representatives of Sweden for their replies. He had been informed by Mr. Lorenzo that the mission to Guatemala had been financed by Sweden.

18. Mr. Lindholm and Ms. Fridström (Sweden) withdrew.

The first part of the public meeting rose at 3.20 p.m.